

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEFANO GRANATA; CAMERON PROSPERI;
THE GUN RUNNER, LLC; and FIREARMS
POLICY COALITION, INC.,

Plaintiffs,

v.

ANDREA JOY CAMPBELL, in her official
capacity as Attorney General of the Commonwealth
of Massachusetts; and TERRENCE M. REIDY, in
his official capacity as Secretary of the Executive
Office of Public Safety and Security of the
Commonwealth of Massachusetts,

Defendants.

CIVIL ACTION
NO. 1:21-cv-10960-DJC

JOINT MOTION TO MODIFY SCHEDULING ORDER

The parties to this action hereby jointly move to extend the briefing deadlines for summary judgment to the following dates:

- Plaintiffs' motion for summary judgment to be extended from December 16, 2024, until January 6, 2025.
- Defendants' opposition and cross motion for summary judgment to be extended from January 15, 2025, until February 5, 2025.
- Plaintiffs' reply and opposition to cross motion for summary judgment to extended from February 17, 2025, until March 7, 2025.

The parties also move to reschedule the hearing currently scheduled for February 26, 2025, until a date convenient to the Court thereafter. Should the Court have concerns about the impact of the enlargement of the briefing schedule on the efficient administration of this case, the parties

would request a status conference so they can address any such concerns. The parties themselves discussed the situation at length before proceeding with this motion and all agreed that “good cause” exists to modify the scheduling order and extend the deadlines as requested. *See* Fed. R. Civ. P. 16(b)(4).

As explained more fully below, the parties seek to accommodate unavoidable scheduling conflicts while preserving equity between them through a relatively modest enlargement of the briefing schedule during a time period when the courts are closed for multiple days and the administration of cases is generally slow on account of the two major holidays:

1. In a scheduling order dated January 19, 2024, the Court set deadlines for summary judgment briefing on Plaintiffs’ Second Amendment claim, whereby Plaintiffs’ motion for summary judgment is currently due on December 16, 2024, Defendants’ opposition and cross-motion are due to be filed by January 15, 2025, and Plaintiffs’ reply and opposition are due to be filed on February 17, 2025. *See* ECF No. 48 (Electronic Order).

2. The parties are mindful of the Court’s expectation stated in that order that the Court does not anticipate extension of these deadlines. After significant discussion, however, the parties have concluded that the relatively modest requested extension over this period of back-to-back national holidays is necessary to equitably accommodate unavoidable scheduling conflicts and would not prejudice the administration of justice in this case.

3. Both undersigned counsel for the Defendants have unavoidable conflicts from December 24, 2024, until January 1, 2025, which represents nine days of the thirty-day period currently allotted for their brief. Attorney Fischer-Groban will be out of the office because her children’s day care will be closed during that period. Attorney Gohlke will be out of the office during that period as well to spend the holidays with her family. As a result, Defendants are

unable to work substantively on the brief for almost a third of their allotted time, which will hinder their presentation of the issues to the Court. The timing of the back-to-back holidays creates a particular challenge for undersigned counsel because their brief must be completed shortly after the holiday week to allow sufficient time for the multiple levels of review required within the Office of the Attorney General and client agencies for substantive briefs. Under the standard articulated in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022) and *United States v. Rahimi*, 602 U.S. 680 (2024), Defendants’ briefing is a time-intensive task, which will draw on the five expert reports served by the Defendants on September 16, 2024, in accordance with the Court’s scheduling order. As a result, undersigned counsel for the Defendants respectfully submit that the current schedule, which allocates from December 17, 2024 until January 15, 2025, for preparation of their opposition and motion for summary judgment would hamper their ability to provide the Court a thorough presentation of the issues because counsel will not be available to work on the brief for a significant portion of that period.

4. Toward the same ends, in light of the limitations on the availability of Defendants’ counsel to devote time and attention to their briefing over this period, the parties have agreed that retaining the current due date of December 16, 2024, for Plaintiffs’ opening brief would be neither productive nor equitable. For Plaintiffs’ part, among the other options for due dates between December 16, 2024, and January 6, 2025 (e.g., a one week or two week extension to December 23 or December 30), December 16 would actually be less disruptive, because the other options fall so close to the two holidays when most of those involved in the review and approval process of Plaintiffs’ briefing will have limited availability. Again, however, December 16 is neither productive nor equitable here. The requested modification of the briefing schedule would avoid interrupted and compressed work on Defendants’ opposition,

streamline the briefing schedule, afford Plaintiffs reasonably equivalent additional time for their briefing, and yet still preserve the proper administration of justice by ensuring that all briefing is complete within a relatively short time after the current deadlines.

5. To reasonably accommodate these scheduling matters, the parties propose to extend all briefing deadlines beyond the two major holidays, such that no party is prejudiced by unavoidable time out of the office during that period. The proposed schedule otherwise preserves the time periods allocated by the Court for each briefing deadline.

WHEREFORE, the parties respectfully request that the briefing deadlines be extended whereby Plaintiffs' motion for summary judgment is due on January 6, 2025, Defendants' opposition and cross-motion are due to be filed by February 5, 2025, and Plaintiffs' reply and opposition are due to be filed on March 7, 2025. The parties stand ready to attend a status conference if the Court wishes to discuss or hear more from the parties about their reasons and justifications for this requested modification of the briefing schedule.

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Dated: December 8, 2024

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 8, 2024.

/s/ Phoebe Fischer-Groban

Phoebe Fischer-Groban

Assistant Attorney General